

JUL 10 2007

ATTORNEY DOCKET NO. 206,973

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	JARALLA, Abdulghani	Examiner:	Rogers, David A.
Appl. No.:	10/533,490	Art Unit:	2856
Filing Date:	November 30, 2005		
Title:	CORROSION TESTING APPARATUS		

## STATEMENT OF FILING BY TELEFACSIMILE

This correspondence is being transmitted to the Office of Petitions of the United States Patent Office on July 10, 2007 at 571 273-8300.

REQUEST FOR RECONSIDERATION AT A HIGHER LEVEL.

Mailstop - Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Date: July 10, 2007

Attention: Petitions/USPTO

Sir:

This is a request for reconsideration at a higher level, of the decision mailed June 7, 2007 dismissing the Petition Under 37 C.F.R. §1.10(c) to correct the mail date of Issue Fee and publication fee payments and the formal drawings to

January 3, 2007,

instead of January 4, 2007.

THE DECISION OF JUNE 7, 2007

In the decision of June 7, 2007 the petitioner was granted a timely filing date of January 3, 2007 for the submission to requirements of the Notice of Allowance and Allowability mailed October 2, 2006.

**AT ISSUE**

However, in the decision of June 7, 2007, it was stated that petitioner has not made a convincing showing that the four pages of formal drawings were deposited as "Express Mail" with the U.S. Postal Service on January 3, 2007. In particular, it stated that the postcard receipt "is ... fugitive evidence ..."

that is not part of the Official USPTO record for this application."

**COPY OF THE POSTCARD RECEIPT SUBMITTED HEREWITH**

There is being submitted herewith a copy of the official postcard receipt bearing the date of January 24, 2007 as stamped by the OIPE of the USPTO. The postcard receipt clearly states that there was submitted therewith:

"...3) Sub. of Formal Drawings (4 pgs.)"

It is respectfully requested that the copy of the postcard receipt submitted herewith be acknowledged and made a part of the official USPTO record for this application.

It is also requested that the copy of the postcard receipt submitted herewith be treated as a transmittal letter of the four pages of formal drawings mailed on January 3, 2007. Accordingly, it is respectfully requested that the petition under 37 C.F.R. §1.10(e) be granted, and that the submission of 4 pages of formal drawings be accorded a filing date of January 3, 2007.

In view of the above, it is respectfully requested that the present application be reinstated to pending status and forwarded to the issue branch to proceed to issue.

RECEIVED  
CENTRAL FAX CENTER

003/007

JUL 10 2007

**EXPEDITED REVIEW REQUESTED**

Expedited review of this request is respectfully requested so as to provide the applicant with a prompt decision in order to afford the applicant the opportunity to promptly file a request for a petition for revival of this application in the event this request is denied.

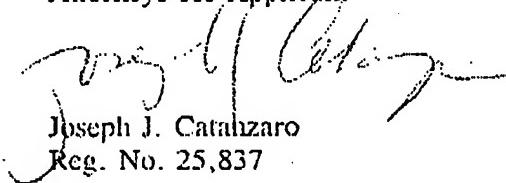
**FEES**

No fees are believed to be due in connection with this request.

Please charge any fees which may be due and credit any overpayments to Deposit Account No. 01-0035.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB  
Attorneys for Applicant



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Enclosures: Copy of Express Mail Airwaybill No. ER059677689US,  
Dated January 3, 2007  
Closing of the United States Patent and Trademark Office  
on Tuesday January 2, 2007"  
Letter dated October 24, 2006 from the United States Postal Service  
regarding Express Mail Processing Procedure  
Postcard Receipt Stamped January 4, 2007 by OIPE



**Closing of the United States Patent and Trademark Office  
on Tuesday, January 2, 2007**

In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Tuesday, January 2, 2007, the day proclaimed by President Bush as a National Day of Mourning, the United States Patent and Trademark Office will consider Tuesday, January 2, 2007, a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21 and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195, and 2.196. Any action or fee due on Tuesday, January 2, 2007, will be considered as timely for the purposes of, e.g., 35 U.S.C. §§ 119, 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Wednesday, January 3, 2007.

37 C.F.R. §§ 1.6(a)(2) and 2.195(a)(4) provide that correspondence deposited as Express Mail in accordance with 37 C.F.R. § 1.10 or 2.198 will be considered as filed on the date of deposit with the United States Postal Service (USPS). Thus, any paper or fee properly deposited in accordance with 37 C.F.R. § 1.10 or 2.198 with the Express Mail service of the USPS on Tuesday, January 2, 2007 (that is, as shown by a "date-in" of Tuesday, January 2, 2007, on the Express Mail mailing label) will be considered filed in the USPTO on its date of deposit in the Express Mail service of the USPS.

37 C.F.R. § 2.195(a)(2) provides that trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO receives the electronic transmission. Thus, trademark-related correspondence transmitted electronically on Tuesday, January 2, 2007, will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Correspondence successfully received by the USPTO through the patent Electronic Filing System will receive the date as indicated on the Acknowledgment Receipt.

2/28/07  
Date

JON W. DUDAS

Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office



October 24, 2006

Mr. Joseph J. Catanzaro  
Abelman, Frayne, & Schwab.  
666 Third Avenue  
New York, NY 10017

Philip Grant, Supv. Customer Service  
U.S. Postal Service  
Grand Central Station  
New York, NY 10017

Re: Express Mail Processing procedure

Dear Mr. Catanzaro,

I am writing you this letter to confirm our conversation of today regarding the processing of your Express Mail. The date postmarked on your copy of the Express Mail receipt is our confirmation of receipt for that date, which is the "date-in" prior to the last scheduled pickup. The mail is then sent to our Express Mail processing unit where it is entered into the tracking system. If the Express Mail piece is received before the close of business on a particular day it may show a processing date of the next day in the tracking system. This should not be considered as the official "date-in" of receipt at the Post Office. The official "date-in" receipt is the date Postmarked in the round stamp on your customer copy. Please feel free to call me if you need any further assistance.

Sincerely,

A handwritten signature of Philip Grant.

Philip Grant  
Customer Service Supervisor  
Grand Central Station, New York  
(212) 330-5790 -- (after 2pm daily)

DIRECTOR OF THE U.S. PATENT  
AND TRADEMARK OFFICE

Date Stamp as acknowledgement  
of receipt of:

Applicant(s): JARALLA  
Serial No.: 10/533,490  
Control No.: 206,973



- 1) Cover letter
- 2) Issue fee transmittal
- 3) Sub. of formal drawings (4 pgs.)
- 4) Change of address
- 5) Postcard receipt
- 6) Check - \$ 1700.00 (large entity)

Check no. FF61

Initials: TES/so  
Date Mailed: January 3, 2007

Express Mail No.: ER059677689US